UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1998/SR.33
8 September 1998

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 6 April 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. GALLEGOS CHIRIBOGA (Ecuador)

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GE.98-11778 (E)

The meeting was called to order at 3.05 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(agenda item 9) (continued) (E/CN.4/1998/49)

Special debate on questions concerning women and their human rights

1. The CHAIRMAN invited participants to take part in a special debate on questions concerning women and their human rights, which would take the form of an interactive dialogue.

2. Ms. FLOR (Chairperson of the Commission on the Status of Women) welcomed the fact that, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, a new way had been found to strengthen the ties between the Commission on Human Rights and the Commission on the Status of Women. In its agreed conclusions on the human rights of women, the Commission on the Status of Women had actually asked for better cooperation with the other functional commissions, including the Commission on Human Rights.

3. As early as 1948, when the Universal Declaration of Human Rights was being drafted, the Commission on the Status of Women had officially suggested, through the Secretary-General, that article 1 should read "all human beings are born free and equal in dignity and rights", rather than "all men ..." as in the initial draft. It was clear, therefore, that the Declaration applied equally to men and women. As the Commission on the Status of Women had recommended at its forty-second session, United Nations bodies, Governments and NGOs should all include the question of the human rights of women in their activities marking the fiftieth anniversary of the Declaration.

4. Yet, 50 years later, was everyone really entitled to the rights and freedoms set forth in the Declaration without distinction of any kind, including sex, as called for in article 2? Although remarkable progress had been made, women continued to be subjected to all forms of violence and be deprived of their human rights in various spheres. Moreover, the issue of systematic discrimination based on sex had never featured prominently in the discussions on human rights in general and, within the United Nations system, work on the topic had been confined essentially to the Commission on the Status of Women and the Committee for the Elimination of Discrimination against Women. Female genital mutilation, for example, had for a long time not even been considered as a violation of human rights as it was carried out not by States, but by individuals.

5. As the specific question of the fundamental rights of women and violations of those rights had not received enough attention, the crucial question of the measures to be taken by States to combat discrimination against women and ensure the full exercise of their rights had not been given due consideration either. Under the Vienna Declaration and Programme of

Action and the Beijing Platform for Action, however, States were clearly obligated to promote and protect the human rights of all human beings by protecting them from violence, in particular. The Commission on the Status of Women was therefore convinced that all questions concerning the human rights of women should at least be given consideration and welcomed the fact that, some years earlier, the Commission on Human Rights had begun to address the issues of violence against women and trafficking in women and young girls.

6. Another fundamental step forward had been taken when the fourth World Conference on Women, then the Commission on the Status of Women and finally the Economic and Social Council, in its agreed conclusions 1997/2, had recommended the integration of a gender perspective into all programmes and policies. That meant understanding the different ways in which men and women were deprived of their human rights and devising appropriate strategies to protect the human rights of all human beings, without distinction as to sex. On the threshold of the twenty-first century, the time had come to discard the fiction that deprivation or violations of human rights were generally gender neutral, even if such was sometimes the case.

7. However, the gender mainstreaming advocated by the Commission on the Status of Women and the Economic and Social Council required more than a one-off report or the appointment of a focal point for gender issues. It entailed adopting a new approach to all those questions, basically to determine whether men and women were affected differently. It also called for gender-disaggregated information and statistics, analyses of the gender impact of policies and programmes and the establishment of monitoring mechanisms to ensure that the concerns of neither men nor women were neglected. In the case of a treaty body, such as the Committee against Torture, that would mean determining whether gender-specific means were used to torture women and, if such were the case, as everything seemed to indicate, recommending specific measures for the protection of women by, for example, having them guarded by female personnel. Also to be taken into account was the fact that, in all likelihood, women who had been tortured might also need special treatment and rehabilitation.

8. In its agreed conclusions on the human rights of women, the Commission on the Status of Women therefore recommended a number of specific measures, namely, the collection of gender-disaggregated data on factors limiting women's exercise of their human rights; promotion by States parties of gender balance and gender expertise in appointing and electing experts to treaty bodies; it recommended that the Commission on Human Rights should ensure that a gender perspective was incorporated in all human rights mechanisms and procedures, including the mandates of special or thematic rapporteurs, and should give particular attention to the social and economic rights of women in any discussion about the appointment of a special rapporteur on economic, social and cultural rights.

9. Finally, neither the existence of two commissions - the Commission on Human Rights and the Commission on the Status of Women - nor the slogan that women's rights were human rights should suggest any dichotomy between the rights of women on the one hand and human rights on the other. There was but one set of human rights and they were identical for all. Women must be able to enjoy the same rights as men and on an equal footing. The two Commissions

shared a common goal and were engaged in a common quest to ensure everyone enjoyed all human rights and fundamental freedoms without discrimination.

10. Ms. ROBINSON (High Commissioner for Human Rights) said it was important to recognize the unique and pioneering character of the current debate, which coincided with the fiftieth anniversary of the Universal Declaration of Human Rights and the fifth anniversary of the Vienna Declaration and Programme of Action. The debate represented a step towards the increased cooperation between the Commission on the Status of Women and the Commission on Human Rights, which was one of the Vienna recommendations. In her view, the current debate in the Commission was one of those moments described by Elie Wiesel which, more than days or years, measured the meaning of one's life. She was happy to have attended the recent forty-second session of the Commission on the Status of Women which considered 4 of the 12 critical areas identified in the Beijing Platform for Action, whose importance clearly justified the current debate.

11. The Commission on Human Rights had a key role to play in the practical implementation of the fact that women's rights were human rights. The appointment of a Special Rapporteur on violence against women reflected the Commission's concern with protecting the human rights of women. However, in the past, neither the agenda nor the resolutions of the Commission had focused sufficiently on women's rights as human rights or on issues such as gender-based abuse. The integration of the gender perspective referred to by the Chairperson of the Commission on the Status of Women had also been overlooked in the Commission's deliberations.

12. There must be a strengthening of the links between the activities of the Commission on Human Rights and those of the Commission on the Status of Women, in line with the recommendations made by international conferences. She herself would continue to cooperate with the Division for the Advancement of Women, the United Nations Development Fund for Women, the United Nations International Research and Training Institute for the Advancement of Women and the vibrant women's NGO community, for the cause of women and the protection of their rights.

13. Ms. COOMARASWAMY (Special Rapporteur on violence against women) noted that, when the Commission had entrusted her with her mandate in 1994, she had been only the second woman to be appointed Special Rapporteur and, as such, she had felt somewhat marginalized. She therefore welcomed the current debate.

14. In the late 1970s and early 1980s, the focus had been mainly on the rights of women in certain clearly defined areas such as education, health and welfare. That stage, culminating in the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, had led, mainly as a result of the efforts of the Commission on the Status of Women and the Commission on Human Rights, to recognition of the human rights of women and to consideration of the issue of violence against women.

15. However, other efforts were now called for, which was why the Committee for the Elimination of Discrimination against Women and the Commission on the Status of Women had recommended the adoption of an optional protocol to the

Convention, possibly along the lines of the Declaration on the Elimination of Violence against Women. The special investigative procedure which constituted the mandate of the Special Rapporteur on violence against women also demonstrated that the question should be taken up by all United Nations bodies concerned with human rights.

16. At national level, Governments must adopt plans to combat violence against women comprising legislative reforms, a more responsive judicial system and information and education campaigns. Statistics on violence against women should be expanded and improved through closer coordination between the Commission on the Status of Women and the Commission on Human Rights. Situations of armed conflict and the protection of refugees made coordination between the two Commissions even more essential, and a Special Rapporteur should be urgently appointed to promote and defend the economic and social rights of women.

17. Finally, at the recent session of the Commission on the Status of Women, she had been pleased to note the goodwill demonstrated by the two Commissions, but at the same time felt that closer cooperation between them was essential.

18. Mr. BAUM (Germany) began by asking the key speakers what practical measures they intended to take to promote the integration of gender mainstreaming into the activities of United Nations bodies. How did the High Commissioner intend to promote consideration of women's issues in the context of field missions and the relevant training programmes? Finally, what was the status of the plan to include a separate item on the human rights of women in the Commission's agenda?

19. Ms. ROBINSON (High Commissioner for Human Rights) said that, regarding the mainstreaming of the gender perspective into the activities of United Nations bodies, under the terms of the mandate entrusted to her by the Secretary-General of the United Nations she was endeavouring to ensure that the fundamental rights of all were taken into consideration throughout the system, from the highest decision-making level to country level. Taking account of women's issues in the context of field missions and training programmes was indeed of the utmost importance. Finally, she firmly supported the idea of including a separate item on the human rights of women in the Commission's agenda.

20. Ms. FLOR (Chairperson of the Commission on the Status of Women) said that, as far as practical measures to integrate the mainstreaming of the gender perspective into activities and programmes was concerned, the first step must be taken by human rights bodies. The question could then be taken up by treaty bodies. That procedure would also improve the promotion and protection of human rights. She was of course wholly in favour of the idea of including a separate item on the human rights of women in the Commission's agenda.

21. Ms. COOMARASWAMY (Special Rapporteur on violence against women) said the first step must be to appoint more women at the highest levels in the United Nations system and noted the correlation between the current debate and the appointment of a woman as the new High Commissioner for Human Rights. Regarding the consideration of women's issues in the context of missions and

teams in the field, she had recently observed first-hand in Rwanda that there was a shortage of gender-disaggregated statistics, that there were not enough women's rights observers, that training in that sphere was still inadequate and that, in the field programmes and activities of UNDP, UNFPA and UNICEF, for example, little attention was given to violence against women, although it represented one of the main aspects of genocide. She, too, was wholly in favour of the idea of reforming the Commission's agenda by including a separate item on the fundamental rights of women.

22. Mr. TANDAR (Observer for Afghanistan) asked key speakers about the role and obligations of development agencies in countries or regions where women were denied all human rights, to enable those agencies to involve women in national or regional reconstruction efforts.

23. Ms. MLAČAK (Canada) asked key speakers for suggestions as to how government representatives could make a practical contribution to strengthening links between United Nations programmes and agencies to enhance mainstreaming of the gender perspective. She also asked the representatives of special procedure mechanisms what instruments and information they would need in order to integrate gender mainstreaming into their activities.

24. Ms. GAER (United States of America) said that, with the preparatory measures of the Vienna Conference, the Commission on Human Rights had embarked on a new era in women's rights. Capitalizing on the achievements of the Vienna Conference, the World Conference on Women had subsequently adopted the Beijing Platform for Action. However, as delegations and NGOs were not always aware of the importance of that Platform or of the pioneering aspect of the measures taken, she wondered whether it might be necessary for commitments to be made at a higher level or whether the movement started in Beijing should be integrated further.

25. The international criminal tribunals for the former Yugoslavia and Rwanda had attached special importance to the prosecution of persons guilty of sexual violence against women, and it might be necessary to include special provisions incorporating a gender perspective into the statute of the International Criminal Court.

26. Ms. BLOEM (Women's Caucus) said it would be preferable to deal with the question of the human rights of women under each agenda item rather than in a separate item, so as to improve their visibility without placing them in a separate category. Her organization also felt that cooperation between the two Commissions should be placed on an official basis to permit an actual exchange of data.

27. Mr. NARANG (European Union of Public Relations) said that the modernization of society, with all the family, economic and social obligations it entailed for women, added further to violence against women, who had to reconcile many roles. Regarding the question of the collective rights of minorities, about which much had been said recently, and the related question of the rights of women belonging to such minorities, it would appear that the collective rights of minorities took precedence, while women's rights were neglected.

28. Ms. SKJOLDAGER (Denmark) said that only the Special Rapporteur on torture had been given a specific mandate to take account of the gender perspective in his reporting, while the mandates of others were less clear in that respect. In addition, in appointing special rapporteurs, the Commission should consider specific expertise in the field of human rights of women and take account of gender balance.

29. She stressed the need to put in place instruments for monitoring and evaluating integration. The High Commissioner could introduce practical mainstreaming strategies to be followed by special procedure mechanisms. It was also essential to develop gender-sensitive guidelines to be used in the review of States parties' reports to treaty bodies based on gender-disaggregated data.

30. There was a need to intensify efforts to educate people in order to redress the existing gender imbalance. At the same time, gender-sensitive training should be given to judicial, legal, medical, social, police and immigration personnel in order to promote fair treatment of female victims of human rights violations.

31. It would be helpful if the High Commissioner could describe any recent or future initiatives envisaged in those areas, as well as the possibility of increased cooperation with United Nations funds and programmes.

32. Ms. RUERTA DE FURTER (Venezuela) said that, on the fifth anniversary of the Vienna Conference, an official decision should be taken to incorporate the question of the rights of women in all items of the Commission's agenda, and not simply address it under agenda item 9, as was currently the case. Greater importance should also be attached to the resolution on the integration of women. She proposed that the integration of the human rights of women in all agenda items and throughout the system, beginning with the Commission, should be supervised in connection with the item concerning the follow-up to the Vienna World Conference.

33. Ms. ROBINSON (High Commissioner for Human Rights) said all the observations made were highly encouraging. Regarding Afghanistan, she said that the Deputy Secretary-General was currently engaged in ensuring that all relevant United Nations programmes and bodies applied a number of fundamental principles guaranteeing women's participation in the process of national reconstruction. Regarding the advice which the United Nations might give to government delegations on improving gender balance, the Venezuelan representative's suggestion was an excellent one. As part of the follow-up to the Vienna Programme of Action, Governments could indeed consider in particular the progress made in integrating the gender perspective. Regarding the statement made by the representative of the United States, she agreed that it was extremely important for the international criminal tribunals for Rwanda and the former Yugoslavia, as well as for the future international criminal court, to adopt a clear gender-related approach, thus demonstrating the increased awareness of the issue.

34. While the point that the human rights of women should be made "visible" without, however, being set apart was well taken, the proposal to include a separate item on women's rights in the Commission's agenda deserved

consideration. The sometimes negative consequences of the rapid modernization of societies for women were a real problem which should certainly be taken into account. Finally, as the Danish delegation had pointed out, it was of the utmost importance for treaty monitoring bodies to give closer consideration to the issue of gender balance and she would endeavour to see that that was the case.

35. Ms. FLOR (Chairperson of the Commission on the Status of Women) said that the Commission on the Status of Women had adopted a resolution on Afghanistan which included a request to all United Nations bodies and the donor community to ensure that women as well as men benefited from the humanitarian aid granted to Afghanistan. It was of course just as important for women to participate equally with men in the work of reconstruction.

36. Replying to observations made by the Canadian delegation, she said that, in reporting to human rights treaty monitoring bodies, Governments could help to integrate the gender perspective into the activities of United Nations bodies by focusing in particular on the situation of women in the sphere concerned and submitting gender-disaggregated data. Also, when proposing candidates for posts anywhere in the United Nations system, they could ensure that women were properly represented. The question of resources was of paramount importance and Governments should undertake to provide the human, statistical and other resources necessary for consideration of the gender issue.

37. Concerning the future international criminal court, the Commission on the Status of Women, in its conclusions on the question of women and armed conflicts, had stressed the need for measures to integrate the gender perspective into the court's statute and operations.

38. While it was necessary to include a separate item on the human rights of women in general in the agenda, such a measure could not replace consideration of women in all activities. The two went hand in hand and were a guarantee of progress in that respect.

39. The European Union of Public Relations' comment on the impact of the modernization process on women was fully borne out in a report by the Division on the Development of Women. That impact should therefore be studied - and an approach taking account of gender-related factors might prove very useful in that respect - so that the necessary remedial measures could be taken.

40. Ms. COOMARASWAMY (Special Rapporteur on violence against women) said United Nations human rights and development mechanisms had made a special effort in Afghanistan to ensure that the rights of women were taken into account in the post-war situation. The Special Adviser on Gender Issues and the Advancement of Women had recently visited Afghanistan and had prepared guidelines for United Nations bodies working in the field. She herself was planning to visit Afghanistan in August.

41. Replying to the United States representative, she reiterated that it was absolutely essential for the International Criminal Court to adopt very clear

language regarding acts of sexual violence committed in wartime. Rape had already been specifically defined by the international tribunals for Rwanda and the former Yugoslavia as a crime against humanity.

42. The question of the economic and social consequences of modernization, particularly in third world countries, was indeed a disturbing one, and she would make it one of the main topics of her next report.

43. Ms. WILHELMSEN (Observer for Norway) welcomed the constructive dialogue taking place within the Commission. The idea was one which could be adopted by other bodies. Referring to the additional protocol to the Convention on the Elimination of All Forms of Discrimination against Women currently in preparation, she expressed the hope that the Commission would be able to decide on a draft within the next year. She also wondered whether the High Commissioner for Human Rights was taking any measures to help provide the future international criminal court, from the outset, with a gender perspective and a concern for gender balance.

44. Mr. IRUMBA (Uganda) said that, while much progress had been made since the Vienna Conference, integration of the gender perspective into United Nations activities had still not become a reality. Although he approved of the resolve to achieve a balance in appointments to senior Secretariat posts, there was a need to take proper account of the representation of developing countries in that regard. Finally, he noted with satisfaction that the Special Rapporteur on violence against women was determined to focus on the question of the effects of the modernization process on women's rights.

45. Ms. KUNADI (India) wondered whether integrating a gender perspective into the Commission's work was enough to ensure the realization of all women's rights, including their right to health, education and nutrition. In her view, it would be equally desirable to include in the Commission's agenda a specific item on the human rights of women, so that an integrated approach could be adopted to all those issues.

46. Ms. CARILLO (United Nations Development Fund for Women (UNIFEM)) stressed the importance of the question of resources and said that UNIFEM had established a Trust Fund in Support of Action to Eliminate Violence against Women and had launched a far-reaching campaign, which had begun in Latin America but would be extended to other regions. Secondly, UNIFEM had endeavoured to highlight the gender aspects of the mandates of special thematic mechanisms and identify ways of dealing with them. UNIFEM had also approached the High Commissioner for Human Rights about holding a new meeting of experts on the preparation of guidelines for the integration of a gender perspective into United Nations human rights activities and programmes. Finally, to help establish a culture of respect for human rights, UNIFEM had undertaken to provide an annual training course for NGOs of countries which had signed the Convention on the Elimination of All Forms of Discrimination against Women and was co-financing training programmes for women's human rights workers.

47. It was essential to strengthen links between deliberative and executive bodies on the one hand and operational bodies on the other, so that human

rights principles and standards were applied in the field by all funds and programmes. She was also most gratified to note the High Commissioner's initiative to integrate human rights, particularly the right to development, into all United Nations activities.

48. Ms. RASWORK (Inter-African Committee on Traditional Practices Affecting the Health of Women and Children in Africa) said she was particularly grateful to the Chairperson of the Commission on the Status of Women for having mentioned genital mutilation as a blatant example of violence against women. Each year, 2 million women suffered such mutilation and measures must be taken to halt such a scandalous practice. Moreover, to enable numerous small national and regional human rights organizations to be heard and to cooperate effectively with the United Nations system at both international and local levels, their links with the High Commissioner for Human Rights should be strengthened.

49. Mr. BAATI (Tunisia) said he fully subscribed to the proposal to give the question of human rights of women a higher profile in the Commission's work along the lines described by the Chairperson of the Commission on the Status of Women.

50. Ms. SILWAL (International Institute for Peace) said that, although authoritarian regimes were increasingly being replaced by democratic ones, there still existed an ideology, strengthened by religion, which continued to deny their human rights and keep them in subjugation. How did the Commission intend to address that problem in the context of protection of social and cultural rights?

51. She also noted that Nepal, a signatory of the Convention, had not submitted its annual report to the Committee on the Elimination of Discrimination against Women and had 20 or more laws which discriminated against women and no law on violence in the home (with the result that more than 73 per cent of women were victims of such violence), and asked what the United Nations was doing to ensure that States parties honoured their obligations.

52. Ms. Hyun Joo LEE (Republic of Korea) said that women's issues should be considered in general as one aspect of human rights. All forms of economic, cultural and other discrimination against women should be considered and a collective effort made to eliminate them. Specifically, she suggested that each Government concerned should issue directives designed to put an end to discriminatory practices arising out of the restructuring process necessitated by the Asian economic crisis. The United Nations could help in that process. Furthermore, the conclusions adopted by the Commission on the Status of Women were both timely and appropriate.

53. Mr. SUMI (Japan) noted the very large number of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, which was nevertheless universally recognized as of paramount importance for the protection of the rights of women. Was it possible that, in time, those reservations would be withdrawn, or were they to do with fundamental problems inherent in the Convention? He went on to praise the excellent work done by

UNIFEM and called on all Member States to contribute to the financing of the voluntary fund proposed by the Japanese Government to support UNIFEM's activities.

54. Ms. BUNCH (Centre for Women's Global Leadership) said that, without the human rights of women, the universality of human rights would be meaningless. The obstacles to gender balance in United Nations bodies had once more been in evidence during the elections of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on which the number of women, who had held 6 of the 26 seats, was now reduced to only 4. It was more necessary than ever to establish a frank dialogue on ways of correcting that situation. As the Commission was planning to set up new mechanisms, and in particular, to appoint a new special rapporteur on economic, social and cultural rights, the necessary measures should be taken from the outset to have women's concerns fully taken into account.

55. Some of the activities of the High Commissioner for Human Rights, such as advisory services, were an excellent means of promoting the participation of women at the local level, where the situation was often unsatisfactory. It would be worth while determining the extent to which the Commission on Human Rights and the Commission on the Status of Women could organize joint missions or set up special teams and working groups in areas of common concern, such as the rights of migrant women and development.

56. Ms. EL HAJJAJI (Libyan Arab Jamahiriya) said that, while she was firmly convinced of the fruitful contribution of the non-governmental organizations to the work of the Commission, she could not, as an Arab and Muslim woman, help feeling exasperated by the attitude of some of those organizations towards the situation of women in Islam, where they were denied their fundamental rights. Although the Koran contained about a hundred verses on women, some circles persisted in emphasizing just a few of them and in interpreting them literally, often arriving at wrong conclusions. Any discussion of the status of women in Islam must be preceded by a thorough study of the principles on which Koranic ethics were based, a full understanding of the political and social context in which some interpretations of the Koran were arrived at and an assessment of the status of women in the various civilizations and cultures which had influenced Muslim society down the ages. That was in fact the context in which the document on the rights and obligations of women in the Jamahiriya recently prepared by the Libyan women's movement should be seen.

57. Her delegation supported the proposal to include in the Commission's agenda a new item on the consideration of women's interests by the international community. She also supported unreservedly the Canadian proposal to appoint women to senior positions in the Office of the United Nations High Commissioner for Human Rights.

58. Ms. COOMARASWAMY (Special Rapporteur on violence against women) said she wished first of all to assure the Ugandan delegation that the promotion of women's rights would under no circumstances be undertaken at the expense of marginalized groups or underdeveloped countries.

59. The representative of the Republic of Korea had referred to the economic crisis in Asia and its negative impact on women in the region. The Indian delegation had also emphasized the need not to neglect the rights of women in areas such as health and education. Their observations showed how important economic and social rights were and how urgent it was to appoint a special rapporteur on economic and social rights, as many speakers had in fact proposed.

60. The representative of UNIFEM had rightly pointed out that, notwithstanding the significant progress achieved in drafting system-wide standards, there was still a gap between principles and reality which it was absolutely necessary to fill. She had also mentioned the role of civil society. In the course of her work as Special Rapporteur, she herself had had many opportunities to appreciate the catalytic role of that segment of society, particularly the NGOs, in the endeavours to ensure observance of women's rights throughout the world. In the campaign against certain traditional practices which were harmful to women, it was of the utmost importance for local NGOs to themselves take the problem in hand, as the Libyan women had apparently done in taking the initiative of adopting a document setting out their rights and obligations.

61. She agreed with the representative of the Centre for Women's Global Leadership that the universality of human rights was a fundamental principle. It was of course for societies to conduct their own self-appraisal, but the international community also had an obligation to condemn violations of women's rights anywhere in the world.

62. Referring to the sensitive issue of traditional cultural values which relegated women to subordinate status, she said that the only way of combating such attitudes was through the new standards currently being established by the international community. Nevertheless, standards alone would not be enough to eliminate them. Measures were also needed in education and the media to ensure that the standards adopted became a reality.

63. Finally, she noted with satisfaction that the idea of including a new item in the Commission's agenda dealing with the concerns of women had come a long way and was gaining increasing support in the Commission.

64. Ms. FLOR (Chairperson of the Commission on the Status of Women), replying to a comment by the Observer for Norway regarding the ongoing negotiations on the drafting of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, said she would have liked the Convention to be adopted on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights. However, given the importance of the protocol, which was to establish a procedure enabling women to submit complaints to the Committee on the Elimination of Discrimination against Women, the delay was understandable. In that connection, she drew attention to the cardinal principle that it was imperative for the new optional protocol to have the same status as all similar United Nations instruments.

65. Replying to the concern expressed by the representative of Uganda, she pointed out that there was no contradiction between the principle of gender balance and that of equitable geographical distribution in United Nations bodies. Observance of one in no way detracted from the other.

66. Regarding the discrepancy between requirements on paper and actual conditions in the field, referred to by the representative of UNIFEM, it was essential for the United Nations system, through its operational activities, to ensure that more attention was paid to the concerns of women at national level.

67. The representative of the Inter-African Committee on Traditional Practices had made a number of comments on the excision issue. Naturally, mechanisms must be set up if the international community wished to lay a legal foundation for action to eliminate that practice once and for all. However, the practice was deeply rooted in attitudes and it was in fact mothers themselves who compelled their daughters to undergo such mutilation; until they realized the full consequences of the practice and it was replaced by a more symbolic rite, the eradication of genital mutilation would remain a pious hope.

68. The many reservations made by States parties to the Convention on the Elimination of All Forms of Discrimination against Women remained a major obstacle to the Convention's effectiveness. The Commission on the Status of Women urged the States concerned to reconsider them with a view to withdrawing them or restricting their scope as far as possible. Similarly, the question of the late submission of States parties' reports should be settled as soon as possible since, without those reports, the Committee could not properly monitor the progress made in implementing the Convention. The Committee must itself endeavour to expedite consideration of the reports.

69. It might be worth while setting up new mechanisms to promote gender balance within the United Nations system, such as databases to identify the best qualified candidates for posts within the system.

70. A number of speakers had observed that, in many societies, the stereotypes of the roles of men and women continued to exist. In that regard, the Commission on the Status of Women had concluded that the answer was to make women better informed, for how could they demand rights which they were not aware of. Education in fundamental rights was of paramount importance in that respect.

71. Ms. ROBINSON (High Commissioner for Human Rights), replying to a question asked by the representative of UNIFEM, confirmed that a further meeting of experts on the integration of the gender perspective into United Nations human rights activities and programmes would be convened shortly. Regarding the universality of human rights, she recalled that, in his statement to the Commission on 17 March 1998, the Iranian Minister for Foreign Affairs had asked for views to be sought on the Islamic conception of the universality of human rights. After consultations with the Organization of the Islamic Conference, she was engaged in compiling such observations for

the August session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It was highly important to have the concerns of women taken into account in those observations.

72. Ms. von REDUCH (Sweden) noted that, in her report (E/CN.4/1998/54 and Add.1) the Special Rapporteur on violence against women spoke of "enforced prostitution". She asked whether the Special Rapporteur saw a difference between prostitution and enforced prostitution. If so, how did she define enforced prostitution? The Swedish Government had recently submitted to Parliament a bill on violence against women proposing the prohibition of all types of sexual services and stipulating that prostitution was not a transaction between equal partners, as women were always the weaker party. No distinction could therefore be drawn between prostitution and "enforced prostitution".

73. Her delegation considered the reform of the Commission's agenda to give greater attention to women to be of great importance. However, a separate item on gender equality should still be included in the agenda.

74. Ms. MILLER (International Human Rights Law Group/Amnesty International) expressed the long-standing concern of Amnesty International and the International Human Rights Law Group about the scant resources available to country and thematic rapporteurs of the Commission on Human Rights; now that gender-disaggregated data were being collected and efforts were being made to have the human rights of women accorded greater attention by the Commission's various mechanisms, it was to be hoped that the necessary funding would be allocated.

75. Every speaker had recognized the importance of training in efforts to promote gender equality within the United Nations system. In that respect, United Nations staff members at all levels, at Headquarters or outside offices should receive training in gender analysis and the human rights of women. The High Commissioner for Human Rights should take steps to ensure the early implementation of the provisions of Commission resolution 1997/43. Moreover, particularly with regard to field missions, steps should be taken to recruit individuals, especially women, with a thorough knowledge of the question. It was essential to remove all sexist connotations from the terminology used by United Nations bodies by, for example, using terms such as "humanity" and "rights of the person" in all working languages.

76. Amnesty International and the International Human Rights Law Group advocated a continuous dialogue between the High Commissioner for Human Rights and the Commission on the Status of Women and urged them to cooperate in preparing and disseminating guidelines designed to exclude all sexist language from the documents of United Nations bodies.

77. Mr. BALL (New Zealand) recalled that the objective of achieving total gender equality in the United Nations Secretariat by the year 2000 had been set in the Beijing Platform for Action and reaffirmed in various General Assembly resolutions, in particular resolution 52/96. However, that same General Assembly resolution had stressed the need to take account of Article 101 of the Charter of the United Nations, which required recruitment to be conducted on as wide a geographical base as possible and to be based on

merit. Nevertheless, gender balance was now established as a major objective of the United Nations system, as evidenced by the appointment of Ms. Robinson to the post of High Commissioner for Human Rights, which represented an important step in that direction. His delegation was in favour of strengthening the dialogue between the Commission on the Status of Women and the High Commissioner for Human Rights, to which the current debate was bound to contribute.

78. Ms. McCONNELL (North-South XXI) congratulated the Special Rapporteur on violence against women on her excellent report and welcomed her definition of rape as a weapon of war as of paramount importance at a time of proliferating armed conflicts. Rape, particularly of pregnant women, sometimes witnessed by members of their family, and even their children, should be considered as a crime against humanity. Her organization drew the Commission's attention in particular to the appalling plight of Tamil women who had been subjected to the worst atrocities. Tribute should be paid in that connection to UNIFEM, which had had the courage to state that violations of the human rights of women should be considered not in general, but country by country. As few journalists could gain access to north-eastern Sri Lanka, very little information filtered through on the use of rape as a weapon of war by the Sri Lankan security forces against harmless Tamil women. Her organization, which was encouraged by the efforts of the High Commissioner for Human Rights to promote consideration of sex crimes against women in proceedings before the international criminal tribunals, was hopeful that the Commission would take up the question of the use of rape as a weapon of war in north-eastern Sri Lanka. As the Special Rapporteur on violence against women was a native of that country, it was quite understandable that she was unable, within the terms of her mandate, to deal with the conflict raging there. The Commission could perhaps appoint an assistant rapporteur to monitor the situation in Sri Lanka.

79. Ms. FERNANDO (International Movement against All Forms of Discrimination and Racism) said she had a number of suggestions to make in connection with the commitments made and wishes expressed in the course of the debate. Firstly, it was to be hoped that States would take the necessary measures to improve the training of government officials responsible for women's rights and would implement the provisions of the Vienna Declaration and Programme of Action concerning women and the provisions of the Beijing Declaration and Platform for Action, with due regard to local conditions. Secondly, she recommended that States which had entered reservations to the Convention on the Elimination of All Forms of Discrimination against Women should consider withdrawing them. She suggested that the Commission on Human Rights and the Commission on the Status of Women should study jointly the effect of globalization on women's rights in Asia, Africa and Latin America, with particular emphasis on the situation of indigenous women and women in rural communities. Finally, the World Conference to Combat Racism and Racial Discrimination should include the question of the gender perspective in its deliberations.

80. Ms. COOMARASWAMY (Special Rapporteur on violence against women), responding to a number of observations that had been made, said there were two opposing views of prostitution, one being that prostitution was always forced, and the other that sex workers chose to practise prostitution as a

profession, but should be provided with help and protection. The proponents of both should endeavour to arrive at a consensus, to be used as a basis in drafting relevant international standards. Regarding the terminology used in United Nations bodies, which was seen by some as sexist, she said that other terminological and more general language problems arose when describing the situation of human rights. For example, in drafting reports on violence against women, it was just as unsatisfactory to use international technical terminology as it was to use the simple vernacular employed naturally by women victims of violence. Finally, women's rights questions must of course be considered in a general context and thus naturally in connection with problems of racism.

81. Ms. FLOR (Chairperson of the Commission on the Status of Women) said she would also like to respond to a number of the observations made. Regarding relations between the Commission on Human Rights and the Commission on the Status of Women, she emphasized the need for the exchange of information and welcomed the fact that NGOs, which played an active role in the two Commissions, helped to strengthen the links between them. She would propose that the bureau of the Commission on the Status of Women should invite the Chairman of the Commission on Human Rights to the next session. The idea that the two Commissions might conduct a joint study or set up a joint working group deserved further consideration, and ways and means must be found of establishing a greater synergy between them.

82. The CHAIRMAN invited the High Commissioner for Human Rights to conclude the debate.

83. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

84. Ms. ROBINSON (High Commissioner for Human Rights) noted that the general tendency emerging with regard to women's rights seemed to suggest a dual approach. The proposal to include the human rights of women in the Commission's agenda as a separate item had been widely supported by both State representatives and by NGOs. At the same time, speakers had underlined the importance of taking account of the human rights of women in all the Commission's work. Emphasis had been given to the need to integrate the gender perspective in the various human rights mechanisms and, in particular, to work towards gender balance in the Secretariat. Some speakers had advocated the submission of gender-disaggregated data. States could endeavour to comply with that requirement as part of the follow-up to the World Conference on Human Rights. Delegations submitting draft resolutions to the Commission could, in preparing them, bear in mind the principle of the integration of women's rights.

85. Delegations had highlighted the problem of reservations to the Convention on the Elimination of All Forms of Discrimination against Women, and the desirability of drafting an optional protocol establishing a complaints mechanism. Emphasis had also been given to the special importance of the economic, social and cultural rights of women. The Special Rapporteur on violence against women had explained the limitations of her mandate in that respect and had underlined the effects of globalization on the lives of women, particularly in developing countries. The debate had also highlighted the need to strengthen links between the Commission on Human Rights and the

Commission on the Status of Women, as well as the two Commissions' relations with NGOs. She would endeavour to act as a catalyst in that regard. It was particularly important for the two Commissions to combine their efforts to combat the traffic in, and sexual exploitation of, women and children.

86. In conclusion, she said the debate on the rights of women was a milestone in the Commission's work and thanked the Chairman for such a pioneering initiative.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (E/CN.4/1998/92 to -/97, E/CN.4/1998/158, A/52/489)

87. Mr. GARCIA-SAYAN (Secretary-General's Mission to Guatemala) recalled that, in its resolution 1997/51, the Commission on Human Rights had requested the Secretary-General to send a mission to Guatemala to report to the Commission on the situation of human rights in Guatemala in the light of the implementation of the peace agreements. The mission, consisting of Mr. Diaz Uribe (Colombia), Mr. García-Sayán (Peru) and Mr. Le Bot (France), had visited Guatemala from 8 to 19 December 1997; its report was contained in document E/CN.4/1998/93.

88. The mission had noted the continued trend towards greater observance of human rights in Guatemala. The particular attention that the Commission on Human Rights had paid to the situation in Guatemala and the perseverance of the people and Government of Guatemala and URNG had been decisive factors in the substantial improvement in the situation. The signing of the Agreement on a Firm and Lasting Peace had been a significant step. However, while it was clear that the Guatemalan Government was no longer conducting a policy of violating human rights, there were nevertheless still problems affecting the exercise of human rights - impunity; continuing structural defects in the system of the administration of justice and criminal investigation; the situation of citizen security; frequent denials of due process; discrimination against indigenous peoples; the lack of economic, social and cultural rights; and the weakness of national institutions for the promotion and protection of human rights.

89. The strengthening of civilian power was one of the basic objectives of the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, which had been concluded by the Government and URNG in September 1996. Although the current situation allowed for reasonable optimism, the perception of growing citizen insecurity lent urgency to the adoption of measures for the effective operation of the judicial system and the security forces. It was urgent for Congress to accord priority to reforming the administration of justice, and measures must be taken to improve the training of lawyers, judges and members of the Public Prosecutor's Office. In legislating or interpreting the law, it was important for the authorities to take account of international principles and standards in the field of human rights and redouble their efforts to strengthen the investigative capacity of the Human Rights Procurator.

90. The problem of citizen security continued to be one of the main subjects of concern to Guatemalans. There was a perception among the public that the signing of the peace agreements had created more insecurity. The number of

abductions and cases of extortion was high. The mission was of the view that all operations against such acts should be conducted by the National Civil Police and under no circumstances by the Presidential Chief of Staff, as had occurred in the past. During the deployment of the new structure of the police, the involvement of the army in public security operations should be strictly regulated.

91. In the social and economic sphere, it was regrettable that, despite some progress, the implementation of the Agreement on Social and Economic Aspects and the Agrarian Situation was very slow. As the Government did not wish to favour any particular sector of society, there was an urgent need to strengthen measures to combat poverty and support rural development.

92. The Agreement on the Identity and Rights of Indigenous Peoples had begun to bear fruit, but the constitutional and legislative reforms it provided for, particularly giving consideration to customary law in the administration of justice, must be expedited.

93. The Commission to Clarify Past Human Rights Violations, established by the Agreement adopted in Oslo in June 1994, played an important role in drawing lessons from the past and preventing any recurrence of the suffering of the Guatemalan people. The Commission must be able to count on the support of the army.

94. The efforts being made by Guatemalans deserved the support of the international community, and the action of the Commission on Human Rights in Guatemala since 1979 had not been in vain. Members of the Commission could keep informed of developments through the periodic reports of the United Nations Mission in Guatemala (MINUGUA).

95. Ms. ALTOLAGUIRRE (Guatemala) noted that the document submitted by the members of the mission (E/CN.4/1998/93) confirmed part of MINUGUA's seventh report, which spoke of significant progress in the realization of human rights. Nevertheless, the Guatemalan Government also recognized the continued existence of obstacles to the effective operation of institutions. It was particularly concerned about urban security and the administration of justice and was endeavouring to take the necessary measures.

96. On 1 April 1998, some 20 courts had been established, of which four were criminal courts based in the capital. Five other courts had been established to deal with disputes between members of indigenous communities, taking account of customary law. The debate on the administration of justice had been enriched by the work of the Commission on the Strengthening of the Justice System and the Commission on the modernization of the judiciary provided for in the peace agreements. In September 1997, the judiciary, the Ministry of the Interior and the Office of the Public Prosecutor had signed a declaration of intent in which they undertook to work together.

97. In the case of the civil police, officers committing human rights violations had been dismissed. In order to strengthen civilian power, 1,370 mobile military police officers had been demobilized and the size of

the army had been reduced by 33 per cent by the end of 1997. The Government was also endeavouring to publicize the peace agreements, which had been translated into five Mayan languages and disseminated widely.

98. In conclusion, she thanked the Commission for its help. The Guatemalan Government shared the concerns of members of the mission and was aware of what remained to be done, but had the political will to continue its efforts. As already stated, members of the Commission could keep in touch with developments in the situation in Guatemala by consulting the information provided by MINUGUA.

The meeting rose at 6.05 p.m.